

MISC. CIVIL APPLICATION NO. 576 OF 1995.

Date of decision: 19.1.1996.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. K.G. Vakharia, Sr.Counsel with Mr. Tushar Mehta,  
advocate for petitioner.

Mr. B.T. Rao & Mr. B.N. Keshwani, advocate for  
respondents.

1. Whether Reporters of Local Papers may be allowed  
to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy  
of judgment?
4. Whether this case involves a substantial question  
of law as to the interpretation of the  
Constitution of India, 1950 or any order made  
thereunder?
5. Whether it is to be circulated to the Civil  
Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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January 19, 1996.

Oral judgment (Per Soni, J.)

Parties to the proceedings have settled the matter.  
According to the said settlement, an amount of Rs. 12  
lacs deposited in this court is permitted to be withdrawn  
by the applicant. However, the Registry shall pay the  
same by Account payee cheque in the name of Mr. K.G.

Vakharia, Senior Advocate. Mr. K.G. Vakharia, in turn, will pay that amount, as per understanding of the parties to the parties.

In view of this arrangement, learned Senior Advocate Mr. Vakharia states that the applicant shall withdraw Appeal from Order No.301 of 1994 and also Civil Suit No.408 of 1994 pending before this Court and in the Civil Court (S.D.), Vadodara respectively. Mr. Farooqui, who appears for Halimabibi, widow of Ahmedmiya Bachumiya Sardar and has filed Civil Application No.6250 of 1995 in Appeal from Order proceedings, also states before the Court that the same shall be withdrawn as well as the Civil Suit No.739 of 1995 also will be withdrawn. Parties to this litigation states before this Court that the suit as well as the Appeal from Order shall be treated as withdrawn.

All the parties to the proceedings in Contempt Application as well as Appeal from Order and Suits are present before the Court and they have admit that settlement as stated by learned Senior Advocate Mr. Vakharia.

In view of this settlement and withdrawal of proceedings, the respondents, Haji Mohammed Yakub Abdulkarim Patel and Almas Associates will be at liberty to carry on further construction with immediate effect. In view of the above settlement, all the interim reliefs granted in the proceedings stand vacated.

In view of the above settlement, learned Senior Counsel Mr. Vakharia does not press M.C.A.No.576 of 1995. Hence, all the proceedings are hereby dropped. Rule discharged. No costs.